

March 25, 2013

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentation
CG Docket No. 02-278**

Dear Ms. Dortch:

On Thursday, March 21, 2013, Michele C. Farquhar and Mark W. Brennan of Hogan Lovells US LLP, counsel to Global Connect LLC (“Global Connect”), along with Darrin Bird, Executive Vice President of Global Connect; Michael Vesper, President of DialConnection, LLC; David McCann, President & Chief Executive Officer of Varolii Corporation (“Varolii”); and Brian Moore, Executive Director & Industry Practice Leader of Varolii, met with Mark Stone, Kurt Schroeder, John Adams, Kristi Lemoine, and Lynn Ratnavale of the Commission’s Consumer & Governmental Affairs Bureau to discuss the pending Communication Innovators (“CI”) Petition for Declaratory Ruling (“Petition”) regarding the non-telemarketing use of predictive dialers under the Telephone Consumer Protection Act (“TCPA”).

During the meeting, the representatives encouraged the Commission to grant the CI Petition. They discussed how today’s predictive dialer solutions operate and explained that these solutions do not have the “present capacity” or “current ability” to generate, store, or dial random or sequential numbers. Many of today’s solutions are software- or cloud-based platforms, and callers using predictive dialers are required to set up detailed “profiles” for each consumer, with multiple (sometimes dozens) of data fields that must be filled out before a single call can be made. The representatives confirmed that callers cannot simply load telephone numbers into a predictive dialer and start calling, as the dialer would reject such call attempts.

In addition, the representatives noted that today’s predictive dialer solutions connect live representatives with consumers as quickly as possible to provide timely, useful information. They discussed how predictive dialers are used to provide many types of non-telemarketing information that benefit consumers, including flight delay or cancellation notifications; disaster relief, utility outage, and school closing notifications; federal grant program notifications; healthcare notifications; accounts receivable correspondence; and fraud alerts, among other calls. In the healthcare context, for example, the representatives explained that some callers place healthcare-related calls with

nurses on the line as live representatives. The predictive dialer solutions enable the nurses to assist far more people than they could through an entirely manual dialing process.

The representatives also confirmed that callers using predictive dialers have no need for or incentive to call random or sequential numbers. Instead, they use the solutions to place calls to specific individuals and for specific non-telemarketing purposes, such as customer service. Unlike telemarketers that obtain calling lists from data brokers and other parties, institutions placing non-telemarketing calls are using predictive dialer solutions to reach their own customers and accountholders (or, for school closing announcements, parents of students in a particular school). They carefully apply specific, auditable predictive dialer controls regarding call times, number of attempts, and other factors. They also seek to obtain prior express consent before placing calls to wireless telephone numbers, although some are now hesitant to place these important non-telemarketing service calls due to the potential risk of substantial class action litigation over the meaning of the term "autodialer" in the TCPA.

Pursuant to Section 1.1206(b) of the Commission's rules, I am filing this notice electronically in the above-referenced docket. Please contact me directly with any questions.

Respectfully submitted,

/s/ Mark W. Brennan

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